IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLIATION NO.1009/06

Dada @ Vijay Singh D. Deshmukh .... Applicant

V/s.

The State of Maharashtra .... Respondent

Shri.S.S. Patwardhan Adv. for the applicant.
Miss. M.M. Deshmukh APP for the State.

CORAM : V.M. KANADE, J.

DATED : 17/04/06

P.C.:-

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. This is an application for an anticipatory bail. The applicant has an apprehension that he is likely to be arrested in C.R.No.214/2005 registered with Pandharpur Taluka Police Station for the offences punishable U/s.324, 325, 326, 147, 148, 149 r/w 34 of IPC.

3. It is alleged that the complainant has

implicated present applicant on account of political rivalry. It is submitted that a cross complaint has been registered against the complainant. It is further submitted that during election of Sarpanch of Gram Panchayat, stone pelting took place and number of persons were injured.

4. Ld. APP for the State on the other hand has submitted that the name of the present applicant has been taken by the witnesses who have attributed a specific role to the present applicant in the said rioting. In my view, taking into consideration aforesaid facts and circumstances, this is not a fit case for grant of anticipatory bail. The application for anticipatory bail is rejected.

5. It is clarified that if refusal of grant of anticipatory bail shall not be construed to mean that this court has made any expression of opinion on merits of the case. It is well settled that parameters for the grant of anticipatory bail and regular bail are different. Concerned Court shall consider application for bail on merits and in accordance with law. Seven days time is given to the

applicant to surrender. His bail application may be decided expeditiously.

6. The application is accordingly disposed of.

V.M. KANADE J.